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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,668	01/13/2004	Denis Bisson	PI061US01	9623
77130 7590 12/23/2008 LABTRONIX CONCEPT C/O BENOIT & CO INC. 2025 LIMOGES LONGUEUIL, QC J4G 1C4 CANADA				
EXAMINER				
DADA, BEEMNET W				
ART UNIT		PAPER NUMBER		
2435				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/755,668

Applicant(s)

BISSON ET AL.

Examiner

BEEMNET W. DADA

Art Unit

2435

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14-47 and 50-57 is/are pending in the application.
- 4a) Of the above claim(s) 14-35 and 50-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 36-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in reply to an amendment filed on October 02, 2008. Claims 1, 36 and 41 have been amended, claims 2-13, 48 and 49 have been canceled. Claims 1, 14-47 and 50-57 are pending.

Response to Arguments

Applicant's arguments, filed 10/02/08, with respect to 35 U. S. C 102(a) rejections of claims 1, 36 and 41 have been fully considered and are persuasive. The rejections of claims 1, 36 and 41 under 35 U.S. C 103(a) has been withdrawn.

However, claims 1, 36 and 41 are rejected under 35 USC 112 1st paragraph. Claims 1, 36 and 41 include a negative limitation, " ... without having communicated said identified correspondent key outside ..."

"Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See In re Johnson, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983), aff 'd mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement." [MPEP 2173.05(i)]

The phrase clearly recites a negative limitation. Indeed, the specification must contain a full, clear and concise description of the claimed subject matter. The specification does not literally or implicitly exclude "communicating the identified correspondent key outside the SIPS"

With respect to independent claim 45, applicant has not provided any arguments and/or amendments to the claim and therefore, the examiner has maintained the rejections of claims 45-47.

Claim Objections

Claims 45-47 are objected to because of the following informalities: The reply filed 10/02/08 does not present arguments pointing out the specific distinctions believed to render the claim patentable over any applied references [see 37 CFR 1.111(a)(2)]. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 36-40 and 41-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claims 1, 36 and 41, The specification fails to mention or teach the method including, "... establishing with a system operated by the correspondent prior to performing said information processing without having communicated said identified correspondent key outside ...". Claims 37-40 and 42-44 depend from claims 36 and 41 respectively and are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. US 6,085,323 (hereinafter Shimizu) in view of Al-Salqan US.6,775,382 B1.

As per claim 45, Shimizu teaches an information processing method comprising:

receiving from an external information processing system a first key used to encrypt sensitive data and correspondent data designating to whom the sensitive data is destined [column 14, lines 15-22];

identifying a correspondent key and a correspondent key identifier among stored keys and key identifiers using the received correspondent data [column 14, lines 15-30];

encrypting the received key using the identified correspondent key, thereby generating a secured first key [column 7, lines 13-21 and column 14, lines 22-30]; and

transmitting the secured first key and secured key identifier to the external information processing system for integration into integrated secured sensitive data [column 7, lines 17-22 and lines 39-49].

Shimizu further teaches SIPS identification means to identify a correspondent key and a correspondent key identifier. Shimizu is silent on encrypting the identified correspondent key identifier using a stored public key, thereby generating a secured key identifier. In the same field of endeavor, Al-Salqan teaches a system for recovering encryption key including, encrypting the identified correspondent key identifier using a stored public key, thereby generating a secured

key identifier [column 2, line 65-column 3, line 10]. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Al-Salqan within the system of Shimizu in order to enhance security of the system.

As per claim 46, Shimizu further teaches the method further comprising authenticating a user and granting a method processing authorization to the user [column 7, lines 4-21].

As per claim 47, Shimizu further teaches the method further comprising puzzling communication between the SIPS and the FIPS by at least one of: creating unnecessary signals between valuable signals transmitted to the FIPS, and modifying SIPS generated signals and data transmitted to the FIPS in order to render more difficult the reading of said signals and data [column 7, lines 4-21 and figures 1-3].

Allowable Subject Matter

Claims 1 and 36-44, would be allowable if rewritten to overcome the 35 USC 112 1st paragraph rejection indicated above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/
Examiner, Art Unit 2435
December 20, 2008

